

Development Standards Committee

October 7, 2015 at 5:30 p.m.

The Woodlands Township

2801 Technology Forest Boulevard

The Woodlands, Texas 77381

MINUTES

Members Present: Kim Hess, Chris Florack, Walter Lisiewski, Danie van Loggerenberg, and Ken Anderson

Staff Present: Kimberly McKenna, Neslihan Tesno, Sharon Davis and Kathleen Eaton

I. Welcome/Call Meeting to Order.

The meeting was called to order by Kimberly McKenna at 5:31p.m. In the absence of the Chairman and Vice Chairman at the meeting, the staff called for a nomination for pro-tem Chair. It was moved by Ken Anderson and seconded by Walter Lisiewski to nominate Chris Florack to serve as pro-tem Chair for the Development Standards Committee meeting of October 7, 2015. The motion carried unanimously.

II. Consideration and action regarding the minutes of the meeting of September 2nd, 2015.

The minutes were reviewed by the committee. It was then moved by Ken Anderson and seconded by Walter Lisiewski to approve the minutes as presented. The motion carried unanimously.

III. Consideration and Action of the Applications and Covenant Violations in Section VIII, recommended for Summary Action.

This item was reviewed by the committee. The committee included items V and VII, in the recommendation for summary items. Additionally, the list consisted of items 1, 2, 4, 6, 8, 9, 10, 11, 12, 18, 19, 20, 21, 22, 23, 24 and 27. It was moved by Kim Hess and seconded by Walter Lisiewski to approve the Summary List as presented by staff recommendation. The motion carried unanimously.

IV. Consideration and Action regarding the enforcement of Commercial Planning and Design Standards for seasonal decorations on storefront windows in surrounding Shopping Centers

This item was reviewed by the full committee. The staff noted several properties where seasonal decorations occur and often throughout the year. The staff requested the committee consider reviewing the existing decorations and determine additional Standards should be applied when evaluating these storefronts. The staff will put together a presentation of examples to provide at the next meeting. It was then moved by Kim Hess and seconded by Ken Anderson to table this item for review at their meeting of November 4, 2015. The motion carried unanimously.

V. Consideration and action to allow Ernest W. DeLuca, P.E. to stamp plans that require structural engineer's seal per the standards as long as he is an active licensed engineer by the State of Texas.

This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to allow Ernest W. DeLuca, P.E. noted with a civil branch to stamp plans that require structural engineer's seal per the standards as long as he is an active engineer licensed by the State of Texas. The motion carried unanimously.

VI. Consideration and Action to adopt revised Residential Development Standards regarding Business Use and Home Industries Restrictions for residential lots.

This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to take no action at this time and table the item. The motion carried unanimously.

VII. Consideration and action to allow water conservation signs to be displayed on residential and commercial properties. The Woodlands Township - Environmental Services Dept.

8203 Millenium Forest Drive

Lot 0100, Block 0163, Section 0067 Village of Cochran's Crossing

This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to approve the display of the Water Conservation Sign on residential properties throughout

The Woodlands on the condition the sign is located and maintained in accordance with the Residential Development Standards and may only be displayed during October 15th 2015 through April 15th, 2016.

I. Consideration and Action of the Applications and Covenant Violations.

1. Consideration and action for approval of proposed building sign and monument sign.
YMCA of Greater Houston Area
8100 Ashlane Way
Lot 800, Block 499, Section 0000 Village of Sterling Ridge
This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to conditionally approve logo not to exceed height of letters on building, place South Montgomery County wording under the logo and add street address number on monument sign – street side. The motion carried unanimously.
2. Consideration and action for mid-growth clearing in front of the building along FM 2978 and along the side of building on Woodlands Parkway.
Capital One
30350 FM 2978
Lot 125, Block 458, Section 46 Village of Sterling Ridge
This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to conditionally approve mid-growth clearance- to include clearing of growth starting from 3 feet high (in an undulating pattern) to 10-12 feet high including the de-limbing of branches but no removal of trees unless shorter than 12 feet. Remove all dead trees. Care should be taken not to excessively clear the forest preserves- excessive clearing will result in replanting and installing a supporting irrigation system. Staff to review upon completion to determine if additional plantings are needed or if an irrigation system is required. Area around the sign for The Woodlands not approved for clearing – staff to confirm on site with applicant limits of clearing. The motion carried unanimously.
3. Variance request to allow the installation of a temporary portable banquet style tent on the patio dining area during the holiday season.
Americas Restaurant
21 Waterway Avenue, Suite 130
Lot 2629, Block 0599, Section 0999 Village of Town Center
This item was heard by the full committee. The staff provided the committee with a presentation. The owner was present to address the Committee. The committee deliberated on the aesthetics, precedence and timeframe of the proposed temporary improvements. It was then moved by Kim Hess and seconded by Ken Anderson to table the item to the meeting of October 21, 2015 and request the owner consider adding planted vegetation to soften the view, reducing the time frame for allowing the tents and verify owner approval of the building had been obtained. The motion carried unanimously.
4. Variance request for trees removed without submitting an application prior to removal, located on the Woodlands Country Club-Palmer Course behind Shearwater Place.
The Woodlands Country Club
9310 Cochran's Crossing Drive.
Lot 0001, Block 0257, Section 0060 & Lot 400, Block 163, Section 67
Village of Cochran's Crossing
This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to approve the removal of trees and vegetation on the condition The Woodlands Country Club plant and maintain native evergreen trees and shrubs consistent with the Commercial Planning and Design Standards for reforestation and forest preservation. The motion carried unanimously.
5. Consideration and action for exterior remodeling including a modified background for the building sign, arbors, awnings and extended patio area.
Torchy's Tacos
4747 Research Forest Drive
Lot 0100, Block 0687, Section 0047 Village of Cochran's Crossing

This item was heard by the full committee. The staff provided the committee with a presentation. A representative was not present to address the Committee. The committee reviewed the proposed revisions and shared concerns regarding aesthetics, compatibility and the need for additional details. It was then moved by Kim Hess and seconded by Ken Anderson to deny the plans as presented. The Committee would like a revised proposal with the following considerations: Remove the modifications to the awnings. The committee wants to maintain the existing green awnings compatible with the awnings surrounding the shopping center and consistent with the adjacent standing seem metal roofing. Remove the background tile for the building sign. Submit a clearly defined floor plan site for both the interior and exterior. Provide additional details regarding the garage doors that extend out to the patio. Modify outdoor seating area to within the fenced in patio area proposed and ensure the proposed patio does not impede covered access for pedestrians walking around the shopping center. Provide sample boards and artist rendering of the proposed store, including details on the garage doors, colors, patio tables, arbors and exterior finishes. The committee will consider the signs noted on the interior of the property, provided artist rendering are provided and the location of the signs does not create a glare or level of illumination that is offensive as seen from the exterior of the building. The motion carried unanimously.

6. Variance request for new building sign that may include a logo that exceeds the maximum size allowed and is not considered a registered trademark logo.

Frost Cryo

1500 Research Forest Drive, Suite 350

Lot 9380, Block 0350, Section 1000 Village of Research Forest

This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to withdraw the item from the agenda and the revisions met the criteria to be staff approved and the staff processed the permit on the condition the registered trademark logo is verified and submitted to The Woodlands Township staff. Additionally, should installation occur prior to the completion of the registered trademark logo the owner may be required to remove the logo and repair any area of the storefront where the logo was installed. The motion carried unanimously.

7. Variance request for new building sign that does not comply with the sign criteria for the property related to size and includes an accent tag and color.

The Egg and I Restaurant

1620 Research Forest Drive

Lot 9410, Block 0350, Section 1000 Village of Research Forest

This item was heard by the full committee. The staff provided the committee with a presentation. The owner was present to address the Committee. It was then moved by Kim Hess and seconded by Ken Anderson to deny the sign as presented and conditionally approve a building sign on the condition the “The Egg and I” is reduced to fit within the building reveals and the tag line is reduced proportionally to the reduction of, “The Egg and I”. Additionally, the committee will allow the tag line, “Breakfast and Lunch” on the condition the sign is modified to the dark bronze to comply with the tenant criteria. The motion carried unanimously.

8. Variance request for the proposed pool decking, patio cover and summer kitchen that will cause the lot to exceed the maximum hard surface area allowed and pool water surface area that will exceed the maximum water surface area allowed.

Chris and Stephanie Musgrave

176 South Deerfoot Circle

Lot 47, Block 01, Section 28 Village of Grogan’s Mill

This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to approve the proposed improvements on the condition the owner must plant and maintain five fifteen gallon native evergreen trees, meet code and pass final inspection. Additionally, the owner must ensure placement of the improvements does not halt or materially impede drainage as defined in the Residential Development Standards. The motion carried unanimously.

9. Consideration and action to allow the proposed home business.

David Wilson

23 Lyric Arbor Circle

Lot 10, Block 02, Section 38 Village of Cochran’s Crossing

This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to approve the home business for a period of two years on the condition the business

complies with the Residential Development Standards, requires renewal by October 2017 and may be revoked at any time by this committee or when not in compliance with the Business Use Standards. The motion carried unanimously.

10. Variance request for a proposed eight foot capped picket fence that would exceed the maximum height allowed and would not comply with the Neighborhood Criteria for the lot.
Brad Cady
135 Wisteria Walk Circle
Lot 01, Block 03, Section 37 Village of Cochran's Crossing
This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to deny the variance as proposed and require the fence taper down to match the height of the adjacent property fencing at the rear. The motion carried unanimously.
11. Variance request for the proposed and existing pool decking that will encroach into the five foot side yard easement.
Andrew Poon
56 South Flagstone Path Circle
Lot 08, Block 04, Section 42 Village of Cochran's Crossing
This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to approve the proposed improvements on the condition the owner must maintain the existing vegetation between the properties to soften and screen the view and minimize any impact to the adjacent property. The owner must ensure the placement of the improvements does not halt or materially impede drainage as defined in the Residential Development Standards. Additionally, improvement by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain those approvals and may be subject to removal.
12. Variance request for the proposed front yard wrought iron fence that would not be located at least five feet back from the front property line.
Aaron De Smet
62 Northgate Drive
Lot 16, Block 02, Section 45 Village of Grogan's Mill
This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to approve the fence on the condition the owner plant and maintain native evergreen vegetation along the front of the fence to soften the view from the street. The motion carried unanimously.
13. Variance request for the proposed roof color that was not considered to be on the current chart of acceptable composition shingle roof materials when viewed by the Residential Design Review Committee.
Brian Kaar
22 Raintree Place
Lot 26, Block 03, Section 08 Village of Cochran's Crossing
This item was heard by the full committee. The staff provided the committee with a presentation. The owner was present to address the Committee. It was moved by Ken Anderson and seconded by Chris Florack to approve the proposed roof as presented. The motion carried unanimously.
14. Variance request for the color change that was not considered to be architecturally compatible when reviewed by the Grogan's Mill Residential Design Review Committee.
26 Longspur LLC c/o Dustin Tucker
26 North Longspur Drive
Lot 02, Block 03, Section 45 Village of Grogan's Mill
This item was heard by the full committee. The staff provided the committee with a presentation. The owner was not present to address the Committee. It was moved by Ken Anderson and seconded by Chris Florack to deny the color change as proposed and require the owner resubmit, allowing the use of the colors scheme provided but requiring details regarding the colors and their location as well as using one muted lighter color for the trim and columns. The committee would like the trim and column color to match. The motion carried unanimously.
15. Variance request for a proposed pine tree requested for removal, that does not meet the requirements the Residential Development Standards.

Jo Nell Kelly
36 Rockfern Court

Lot 58, Block 04, Section 38 Village of Grogan's Mill

This item was heard by the full committee. The staff provided the committee with a presentation. The owner was present to address the Committee. The committee inquired if any reports had been submitted regarding the tree or specifically the root in question. It was then moved by Ken Anderson and seconded by Kim Hess to table any action on the tree removal and require the owner submit a report from a certified arborist or someone with a degree in forestry and require the report identify specifically concerns with the root or potential concerns if the root were to be cut. The motion carried unanimously.

16. Variance request for the conceptual proposed carport that would encroach into the ten foot rear easement.
Damon and Cheryl Grassmann
2008 East Lacey Oak Circle
Lot 49, Block 01, Section 03 Village of Grogan's Mill
This item was heard by the full committee. The staff provided the committee with a presentation. The owner was present to address the Committee. The committee discussed concerns regarding the location and impact. It was then moved by Ken Anderson and seconded by Kim Hess to deny the conceptual proposal as presented and require the owner move the carport forward to remain out of the easements and reduce the overall driveway width to comply with the Standards, The motion carried unanimously.
17. Variance request for a proposed driveway that will exceed the maximum width allowed.
Damon and Cheryl Grassmann
2008 East Lacey Oak Circle
Lot 49, Block 01, Section 03 Village of Grogan's Mill
This item was heard by the full committee. The staff provided the committee with a presentation. The owner was present to address the Committee. The committee discussed concerns regarding the location and impact. It was then moved by Ken Anderson and seconded by Kim Hess to deny the conceptual proposal as presented and require the owner move the carport forward to remain out of the easements and reduce the overall driveway width to comply with the Standards, The motion carried unanimously.
18. Consideration and action to allow a time extension request for the construction activity and incomplete improvements on the property.
Brian and Jill Schweiker
5 South Doe Run Drive
Lot 02, Block 01, Section 16 Village of Grogan's Mill
This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to approve on the condition the project is allowed to extend till January 15, 2016 provided weekly site visits by The Woodlands Township staff are completed to verify the project status, assess the adherence to the timeline provided, confirm all conditions of approval are met and identify overall state of the property maintenance. The motion carried unanimously.
19. Variance request for an existing driveway that exceeds the maximum width allowed.
Alejandro Macias
10 Liliium Court
Lot 17, Block 01, Section 13 Village of Grogan's Mill
This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to approve the driveway on the condition the improvements do not halt or materially impede drainage as defined in the Residential Development Standards. The motion carried unanimously.
20. Variance request for the existing fence that is not located at least three feet back from the front façade of the dwelling.
Alejandro Macias
10 Liliium Court
Lot 17, Block 01, Section 13 Village of Grogan's Mill
This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to approve the fence as presented. The motion carried unanimously.

21. Variance request for an existing seven foot one inch fence that exceeds the maximum height allowed.
John Staton
7 North Morning Cloud Circle
Lot 14, Block 03, Section 20 Village of Cochran's Crossing
This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to approve the fence on the condition the owner plant and maintain native evergreen vegetation to the front of the fence to soften the view from the street. The motion carried unanimously.
22. Variance request for an existing seven foot fence which exceeds the maximum height allowed.
Christopher Doran
35 East Trillium Circle
Lot 03, Block 01, Section 19 Village of Cochran's Crossing
This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to approve on the condition the side fencing must be installed at 6 feet 6 inches in height. The motion carried unanimously.
23. Variance request for the existing fence that is not located at least three feet back from the front façade of the dwelling.
Jon M Ocean
135 North Dreamweaver Circle
Lot 19, Block 02, Section 65 Village of Grogan's Mill
This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to approve the fence as presented.
24. Variance request for the existing rear eight foot fence that does not step down to meet the height of the neighbor's adjoining six foot fence.
Steven F. Wright
10 South Berryline Circle
Lot 57, Block 02, Section 35 Village of Panther Creek
This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to deny the request as presented and adhere to the Residential Development Standards Committee's condition of approval to require the eight foot rear fence is allowed on the condition the fence must be stepped down in accordance with the Standards to meet the height of the adjacent side fencing at the rear. The motion carried unanimously.
25. Variance request for the existing play structure that encroaches into the ten foot rear yard easement.
Nam Phuong Vo
31 Bayginger Place
Lot 10, Block 03, Section 23 Village of Cochran's Crossing
This item was heard by the full committee. The staff provided the committee with a presentation. The owner was present to address the Committee. The committee reviewed the information provided to the staff by affected neighbors as well as the information from previous actions on the property. The committee deliberated on impact and the architectural compatibility with the home. It was then moved by Kim Hess and seconded by Ken Anderson to deny the variance as requested. The motion carried unanimously.
26. Variance request to appeal the Residential Design Review Committee rehearing decision to require the removal of an additional portion of existing rot board to provide a two inch clearance between the bottom of the rot board for portion of fence that was not completed.
Kenneth L Butcher
6 Deer Lake Court
Lot 11, Block 06, Section 28 Village of Panther Creek
This item was heard by the full committee. The staff provided the committee with a presentation. The owner was present to address the Committee. The owner and the affected neighbor were both present to address the committee. The staff provided the committee with the photographs and location of the fence. It was then moved by Chris Florack and seconded by Walter Lisiewski to approve the existing the fence and require no additional changes or modifications. The motion carried unanimously.

27. Consideration and action to pursue legal action for the outstanding covenant violations.

Mark Haug

7 Hickory Oak Drive

Lot 04, Block 02, Section 15 Village of Panther Creek

This item was reviewed under the summary list as presented by staff. It was moved by Kim Hess and seconded by Walter Lisiewski to approve the pursuit of legal action; and authorize our attorneys and staff to notify the owner of the Committee's action, what is required to cure the violations and establish a reasonable timeframe for resolution. Correspondence will include that failure to correct these violations will result in a lawsuit filed and a court hearing scheduled. Furthermore, we recommend the Township Board authorize funding of legal action, as necessary, in order to correct these violations of the Woodlands Covenants and Residential Development Standards, if the initial correspondence by the Strong Firm and the staff does not resolve these violations prior to filing the lawsuit. The motion carried unanimously.

II. Public Comments

There were no public comments.

III. Member Comments

Chris Florack noted he will not be able to attend the meeting of October 21, 2015. Additionally he asked for a follow up regarding the truck parked in front of 162 West Shadowpoint. The Deputy in attendance informed him he would look into the concern.

IV. Staff Reports

The staff provided a progress report of the property 47-51 South Longspur and informed the Committee progress was in accordance with the committee's action and the construction time table provided.

V. Adjourn

There being no further business it was moved by Kim Hess and seconded by Walter Lisiewski to adjourn the meeting at 7:58 p.m. The motion carried unanimously.